

KEITH D. BOX,)
)
Petitioner,)
)
v.) No. 4:13CV540 RWS
)
MIKE KEMNA,)
)
Respondent.)

This matter is before the Court on petitioner’s “Motion for Rule 60(b) Review,” which this Court has reviewed and construed as an application for writ of habeas corpus pursuant to 28 U.S.C. § 2254. The petition is successive and shall be summarily dismissed.

Rule 4 of the Rules Governing § 2254 Cases in the United States District Courts provides that a district court shall summarily dismiss a § 2254 petition if it plainly appears that the petitioner is not entitled to relief.

In 1995 in Missouri State Court, petitioner was found guilty of attempted robbery, first degree assault and armed criminal action. As a prior offender, he was sentenced by the state court to a fifteen-year term of imprisonment and two terms of life imprisonment, all three sentences to run concurrently. Petitioner sought state and federal habeas relief after the conviction. Petitioner's applications for relief were

denied at every level. The denial of petitioner's federal habeas petition was affirmed by the United States Court of Appeals for the Eighth Circuit. Petitioner subsequently sought to bring a successive habeas petition in the Eighth Circuit, which was also denied.

To the extent that petitioner seeks to relitigate claims that he brought in his original petition, those claims must be denied pursuant to 28 U.S.C. § 2244(b)(1). To the extent that petitioner seeks to bring new claims for habeas relief, petitioner must obtain leave from the United States Court of Appeals for the Eighth Circuit before he can bring those claims in this Court. 28 U.S.C. § 2244(b)(3)(A). Petitioner has not been granted leave to file a successive habeas petition in this Court. As a result, the petition shall be dismissed.

Accordingly,

IT IS HEREBY ORDERED that petitioner's application for writ of habeas corpus, styled as a "Motion for Rule 60(b) Review" is **DENIED and DISMISSED**.

Dated this 10th day of April, 2013.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE